

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, AUGUST 23, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: August 2, 2006
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: VARIANCE NO. 2006-005 (LEE APARTMENTS – CONTINUED FROM THE AUGUST 2, 2006 MEETING WITH THE PUBLIC HEARING OPEN)

APPLICANT/
PROPERTY OWNER: Jubilee Management Company, LLC, c/o Mary Lee,
7 Summerwind Court, Newport Beach, CA 92663
REQUEST: To permit a two space reduction in required parking in conjunction
with the conversion of a recreation room into a one-bedroom
dwelling unit at an existing 16-unit apartment complex
LOCATION: 2202 Hess Circle (terminus of Hess Circle, north of Utica Avenue)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff emphasized the suggested modifications to the plans as set forth in Suggested Condition of Approval No. 1.b in order to comply with the code requirement for one enclosed parking space.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and photographs. Discussion ensued with staff concerning current and proposed parking.

THE PUBLIC HEARING WAS CONTINUED OPENED.

Mary Lee, 7 Summerwind Court, Newport Beach, applicant, voiced concern related to the suggested condition for a carport.

A maintenance employee for the subject site explained the current parking situation.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Discussions ensued concerning optional locations for the suggested carport and setbacks.

Ms. Broeren stated that in order to meet the City's intent for required parking, she was going to ask staff to modify the Suggested Findings and Conditions of Approval as follows:

Suggested Findings for Approval Nos. 1 and 2:

Add language stating that a carport will be constructed over one of the existing open parking spaces if feasible.

Suggested Condition of Approval No. 1.b:

- b. A carport shall be constructed over the northeasterly most open parking space if there is adequate space within 90 days from the effective date of approval of this entitlement if determined to be adequate space.

Deleted: one of the existing

Ms. Broeren confirmed that the applicant understood the above modifications and the recommended space for the carport.

VARIANCE NO. 2006-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301&15305 of the CEQA Guidelines, because the project involves the minor alterations to existing structures with minor alteration in land use limitations.

FINDINGS FOR APPROVAL - VARIANCE NO. 2006-005:

1. The granting of Variance No. 2006-005 for the reduction of one required enclosed parking space in conjunction with the conversion of a recreation room into a one-bedroom dwelling will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Other similar properties under the same zoning classification are provided with proportionally less parking spaces than the subject site. Pursuant to conditions of approval, a carport will be constructed over one of the existing open parking spaces if feasible. Other properties have utilized different forms of parking stalls such as carports.

2. Because of special circumstances applicable to the subject property, including *topography*, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The site is constrained due to a difference of approximately 7 ft. in grade between high and low points on the site. One open parking stall can be located on the site, however an additional enclosed parking space can not be constructed due to the changes in grade. The grade differential and unique topography of the site creates a hardship in that the use of retaining walls and inclined drive aisles is necessary to address on-site drainage and create level building sites. The location of retaining walls and sloped areas eliminates possible locations that provide safe egress/ingress and comply with the required dimensions, setbacks, and turn around space for an enclosed garage. A condition has been placed on the project requiring that a carport be constructed over one of the existing open parking spaces if feasible in lieu of providing an additional enclosed garage.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested parking reduction will allow the property owner to permit the conversion of a recreation room into a one-bedroom unit. Granting of the variance is required to allow the property owner to construct the maximum number of units that the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) permits. The proposed conversion will result in a total of 17 units on the site, which complies with the maximum allowed density.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to properties in the same zone classification. With the provision of one additional open parking space it is not anticipated that the conversion of the recreation room to a one-bedroom unit will not have any parking impacts to surrounding properties.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RM (Residential Medium Density) on the subject property, including the following policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The apartment complex was developed with a network of retaining walls and sloped areas to account for the unique topography of the site. The on-site grade differential prohibits the property owner from providing the required parking needed to obtain permits for the conversion of a recreation room into a one-bedroom unit. The variance will grant the property a one-space reduction in the required parking to permit the conversion.

CONDITIONS OF APPROVAL VARIANCE NO.2006-005:

1. The site plan, floor plans, and elevations received and dated May 10, 2006, shall be the conceptually approved design with the following modifications:
 - a. An open parking space shall be provided at the end of the main drive aisle adjacent to the existing trash enclosure.
 - b. A carport shall be constructed over the northeasterly most open parking space if there is adequate space within 90 days from the effective date of approval of this entitlement if determined to be adequate space.
2. Building permits shall be obtained for conversion of the recreation room into a one-bedroom unit within 90 days from the effective date of approval of this entitlement.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: CONDITIONAL USE PERMIT NO. 2006-027(STARBUCKS COFFEE)

APPLICANT:	Steve Briscoe, 1111 South Coast Drive Ste E-102, Costa Mesa, CA 92626
PROPERTY OWNER:	Val Beach Garfield, LLC, c/o William Valaika, 4770 Campus Drive, Suite 200, Huntington Beach, CA 92648-0382
REQUEST:	To permit construction of a 3,001 sq. ft. 2-unit commercial building with a drive-through service window. The existing Max's Sports Bar will be demolished.
LOCATION:	18922 Beach Boulevard, Huntington Beach (east side of Beach Blvd., north of Garfield Ave.)
PROJECT PLANNER:	Ron Santos

Ron Santos, Staff Planner, stated that the applicant has requested a continuance in order to accommodate the applicant's request for additional entitlements. Staff stated that the request would have to be re-advertised.

Mary Beth Broeren, Zoning Administrator, asked staff what the new hearing date would be. Staff advised that the tentative schedule could be three weeks.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

Ms. Broeren confirmed with a member of the audience that he was present to represent the applicant but preferred not to speak at today's hearing.

CONDITIONAL USE PERMIT NO. 2006-027 WAS CONTINUED TO A DATE UNCERTAIN AT THE APPLICANT'S REQUEST WITH RE-NOTIFICATION AND WITH THE PUBLIC HEARING OPEN.

THE MEETING WAS ADJOURNED AT 2:00 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, AUGUST 30, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

:rmk